

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 97, "Supplementary Weighting," Iowa Administrative Code.

2008 Iowa Acts, chapter 1181, division II, created a new chapter in the Iowa Code, chapter 261E, "Senior Year Plus Program." The Senior Year Plus Program established in legislation provides Iowa high school students increased access to advanced placement coursework and postsecondary credit. The first seven items address funding for and various elements of the program.

Items 8 through 10 amend provisions regarding the supplementary weighting plan for operational function sharing. In Item 8, the reference to Iowa Code chapter 28E is stricken because that is not the correct authority for such agreements. In Item 9, the percentages are reworded because the present wording only works when the district does not add more sharing arrangements. Taking 20 percent of each year is the equivalent of the present wording. Additionally, new paragraph 97.7(9)"b" clarifies the order of the adjustments and phaseouts. Item 10 is amended to give more flexibility to districts that cannot show savings because they are cutting costs across all functions, including cutting instructional staff.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before March 31, 2009, at 4:30 p.m. Comments on the proposed amendments should be directed to Kevin Fangman, Division Administrator, Iowa Department of Education, Third Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-3333; E-mail kevin.fangman@iowa.gov; or fax (515)281-7700.

A public hearing will be held over the Iowa Communications Network (ICN) on March 31, 2009, from 9 a.m. to 12 noon, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281-5295. The ICN sites are as follows:

Department of Education
2nd Floor
Grimes State Office Building
E. 14th Street and Grand Avenue
Des Moines
(**origination site**)

Mississippi Bend Area Education Agency 9
Louisa Room
729 21st Street
Bettendorf

Northeast Iowa Community College
Room Number: 115
Industrial Technologies Building
1625 Hwy. 150 South
Calmar

Iowa Lakes Community College
Room Number: 818
Arthur and Audrey Smith Wellness Center
3200 College Drive
Emmetsburg

Linn-Mar High School
3111 N. 10th Street
Marion

Area Education Agency 267
Regional Office – Marshalltown
909 S. 12th Street
Marshalltown

Carroll High School
Room Number: A169
2809 N. Grant Road
Carroll

Hawkeye Community College
5330 Nordic Drive
Cedar Falls

Area Education Agency 267
Regional Office – Clear Lake
State Room
9184B 265th Street
Clear Lake

Iowa Western Community College – 1
Room Number: 024
Looft Hall
2700 College Road
Council Bluffs

Green Valley Area Education Agency – 14
Turner Room
1405 N. Lincoln
Creston

Eastern Iowa Community College
District 1
Room Number: 300
Kahl Education Center
326 W. 3rd Street
Davenport

Indian Hills Community College – 7
Videoconferencing and Training Center
651 Indian Hills Drive
Ottumwa

Northeast Iowa Community College – 1
Room Number: 139
10250 Sundown Road
Peosta

Prairie Lakes AEA 8
500 N.E. 6th Street
Pocahontas

Area Education Agency 4
Room Number: 103
1382 4th Avenue N.E.
Sioux Center

Northwest Area Education Agency 12
Room Number: 206
1520 Morningside Avenue
Sioux City

Southeastern Community College – 1
Room Number: 528
North Campus/Trustee Hall
1500 W. Agency Road
West Burlington

These amendments are intended to implement Iowa Code section 257.11(9) and Iowa Code chapter 261E.

The following amendments are proposed.

ITEM 1. Amend rule **281—97.1(257)**, definitions of “Political subdivision,” “Regional academy” and “Supplementary weighting plan,” as follows:

“*Political subdivision*” shall mean a political subdivision in the state of Iowa and shall include a city, a township, a county, a public school district, a community college, an area education agency, or an institution governed by the state board of regents (~~Malcom~~ Malcolm Price Laboratory School, Iowa Braille and Sight Saving School, Iowa School for the Deaf, Iowa State University, University of Iowa, and University of Northern Iowa).

“*Regional academy*” shall mean an educational program established by a school district to which multiple school districts send students in grades ~~nine 9~~ nine 9 through twelve 12. The curriculum shall include advanced-level courses and, in addition, may include ~~vocational-technical~~ career-technical courses, Internet-based courses, and a virtual academy coursework delivered via the ICN. Regional academy courses shall not qualify as concurrent enrollment courses and do not generate any postsecondary credit. School districts participating in regional academies are eligible for supplementary weighting as provided in Iowa Code section 257.11, subsection 2.

“*Supplementary weighting plan*” shall mean a plan as defined in this chapter to add a weighting for each resident student eligible who is enrolled in an eligible class taught by a teacher employed by another school district or taught by a teacher employed jointly with another school district or sent to and enrolled in an eligible class in another school district or sent to and enrolled in an eligible community college class. The supplementary weighting for each eligible class shall be calculated by multiplying the fraction of a school year that class represents ~~times~~ by the number of eligible resident students enrolled in that class ~~times~~ and then multiplying that figure by the weighting factor established in Iowa Code chapter 257.

ITEM 2. Adopt the following new definitions in rule **281—97.1(257)**:

“*Career academy*” shall mean a program of study as defined in 281—Chapter 47. A course offered by a career academy shall not qualify as a regional academy course. A career academy course may qualify as a concurrent enrollment course if it meets the requirements of Iowa Code section 261E.8.

“*ICN*” shall mean the Iowa Communications Network.

ITEM 3. Amend subrule 97.2(5) as follows:

97.2(5) *Attend class in a community college.* All of the following conditions must be met for any student attending a community college-offered class to be eligible for supplementary weighting under paragraph 97.2(1)“d.”

a. to d. No change.

e. The course must be taught by ~~a teacher for whose services the community college has contracted to specifically teach the class~~ an instructor employed by or under contract with the community college who meets the requirements of Iowa Code section 261E.3.

f. No change.

g. The course must ~~be of the same quality as a course offered on a community college campus~~ result in student work and assessment that meets college-level expectations.

h. The course must not have been determined as failing to meet the standards established by the postsecondary course audit committee.

ITEM 4. Amend subrule 97.2(6) as follows:

97.2(6) *Ineligibility.* The following students are ineligible for supplementary weighting:

a. Nonresident students attending the school district under any arrangement except open enrolled in students, nonpublic shared-time students, or dual enrolled competent private instruction students in grades 9 through 12.

~~b. Students taking courses taught via any television or electronic medium except the Iowa Communications Network (ICN) video services.~~

~~c. b.~~ Students eligible for the special education weighting plan provided in Iowa Code section 256B.9.

~~d. c.~~ Students in whole-grade sharing arrangements except under sharing pursuant to subrule 97.2(5) or subrule 97.2(7).

~~e. d.~~ Students open enrolled out except under sharing pursuant to subrule 97.2(5) or subrule 97.6(1), paragraph “c.”

~~f. e.~~ Students open enrolled in except under sharing pursuant to subrule 97.2(5) or subrule 97.6(1), paragraph “c,” when the students are under competent private instruction and are dual enrolled in grades 9 through 12.

~~g. f.~~ Students participating in shared services rather than shared classes except under sharing pursuant to rule 97.7(257).

~~h. g.~~ Students taking postsecondary enrollment options (PSEO) courses ~~authorized under Iowa Code chapter 261C are ineligible for supplementary weighting for the PSEO courses.~~

~~i. h.~~ Students enrolled in courses or programs offered by their resident school districts unless those courses meet the conditions for attending classes in a community college under subrule 97.2(5) or if the teacher is employed by another school district pursuant to subrule 97.2(3) or if a teacher is jointly employed with another school district pursuant to subrule 97.2(4) or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via ~~Iowa Communications Network (ICN)~~ ICN video services to other districts pursuant to subrule 97.6(1).

~~j. i.~~ Students enrolled in courses or programs taught by teachers employed by their resident school districts unless the employment meets the criteria of joint employment with another school district under subrule 97.2(4) or if the criteria in subrule 97.2(5) are met for students attending class in a community college or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via ~~Iowa Communications Network (ICN)~~ ICN video services to other districts pursuant to subrule 97.6(1).

~~k. j.~~ Students enrolled in an at-risk program or alternative school program.

~~k.~~ Students enrolled in summer school courses.

ITEM 5. Amend subrule 97.2(7), introductory paragraph, as follows:

97.2(7) Whole-grade sharing. If all or a substantial portion of the students in any grade are shared with another one or more school districts for all or a substantial portion of a school day, then no students in that grade level are eligible for supplementary weighting except as authorized by rule 281—97.5(257). No students in the grade levels who meet the criterion in this subrule are eligible for supplementary weighting even in the absence of an agreement executed pursuant to Iowa Code sections 282.10 through 282.12. A district that discontinues grades pursuant to Iowa Code section 282.7 is deemed to be whole-grade sharing the resident students in those discontinued grades for purposes of these rules.

ITEM 6. Amend rule 281—97.4(257) as follows:

281—97.4(257) Supplementary weighting plan for a regional academy.

97.4(1) Eligibility. Except if listed under subrule 97.2(6), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment and if all of the following criteria are met:

a. Two or more Iowa school districts, other than a whole-grade sharing partner district, send students to advanced-level courses that are included in the curriculum of the regional academy, and these students are eligible for supplementary weighting under subrule 97.2(1), paragraph “a” or “c.” In addition, for the host district to qualify for the minimum weighting pursuant to subrule 97.4(4), one or more Iowa school districts, other than a whole-grade sharing partner district, must send students to career-technical classes that are included in the curriculum of the regional academy.

b. and c. No change.

d. The curriculum is an organized course of study, adopted by the board, that includes a minimum of two advanced-level courses that are not part of a ~~vocational-technical~~ career-technical program. An advanced-level course is a course that is above the level of the course units required as minimum curriculum in 281—Chapter 12 in the host district.

e. and f. No change.

g. Two or more sending districts that are whole-grade sharing partner districts shall be treated as one sending district for purposes of subrule 97.4(1), paragraph “a.”

97.4(2) No change.

97.4(3) Maximum weighting. The maximum amount of additional weighting for which a school district establishing a regional academy shall be eligible is an amount corresponding to ~~45~~ 30 full-time-equivalent pupils.

97.4(4) Minimum weighting. The minimum amount of additional weighting for which a school district establishing a regional academy shall be eligible is an amount corresponding to ~~ten additional~~ 15 full-time-equivalent pupils if the academy provides both advanced-level courses and ~~vocational-technical~~ career-technical courses.

97.4(5) Additional programs. If all of the criteria in subrule 97.4(1) are met, the regional academy may also include in its curriculum ~~vocational-technical~~ career-technical courses ~~or a virtual academy.~~ Internet-based courses and ICN courses. ~~If the Internet connection for a qualified virtual academy is provided through the ICN, that Internet connection shall be deemed a regional academy class and not an ICN video class pursuant to Iowa Code section 257.11, subsection 6, for purposes of this subrule.~~

97.4(6) Maximum funding. If the sum of the funding amount calculated for all districts operating regional academies under this rule exceeds \$1 million for the school year beginning July 1, 2004, and each succeeding fiscal year, the director of the department of management shall prorate the amount calculated for each district. The proration shall be based upon the amount calculated for each district when compared to the sum of the amount for all districts.

~~**97.4(7)** October 1, 2007, is the final date that any students may be included for supplementary weighting for an in-district regional academy.~~

97.4(6) Career academy. A career academy is not a regional academy for purposes of these rules.

ITEM 7. Amend paragraph **97.5(6)“a”** as follows:

a. The progress report shall include, but not be limited to, the following information:

(1) and (2) No change.

(3) If the district is studying ~~reorganization~~ dissolution, information on whether public hearings have been held, a proposal has been adopted, and an election date has been set.

(4) If the district is studying ~~dissolution~~ reorganization, information on whether public hearings have been held, a plan has been approved by the AEA, and an election date has been set.

(5) and (6) No change.

ITEM 8. Amend paragraph **97.7(1)“a”** as follows:

a. The district shares a discrete operational function with one or more other political subdivisions pursuant to ~~an Iowa Code chapter 28E agreement~~ a written contract.

ITEM 9. Amend subrule 97.7(9) as follows:

97.7(9) Weighting. Resident students eligible for supplementary weighting pursuant to rule 97.7(257) shall be eligible for a weighting of two-hundredths per pupil included in the actual enrollment in the district. The supplementary weighting shall be assigned to each discrete operational function shared. The maximum number of years for which a supplementary weighting shall be assigned for all operational functions shared is five years.

a. The supplementary weighting for operational functions shared is decreased each year based on the following schedule:

(1) The total supplementary weighting calculated for all operational function sharing in the second year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

(2) The total supplementary weighting calculated for all operational function sharing in the third year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by ~~40~~ 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

(3) The total supplementary weighting calculated for all operational function sharing in the fourth year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by ~~60~~ 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

(4) The total supplementary weighting calculated for all operational function sharing in the fifth year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by ~~80~~ 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

b. The decrease in the total supplementary weighting as described in paragraph “a” of this subrule shall be applied after any adjustment for minimum or maximum weighting has been applied.

~~b. c.~~ The department shall reserve the authority to determine if an operational sharing arrangement constitutes a discrete arrangement, new arrangement, or continuing arrangement if the circumstances have not been clearly described in the Iowa Code or the Iowa Administrative Code.

ITEM 10. Amend paragraphs **97.7(13)“c”** and **“d”** as follows:

c. The department of education will adjust the total expenditures to exclude distorting financial transactions ~~such as energy costs, large equipment purchases,~~ or interagency financial transactions. Distorting financial transactions shall be determined by the department of education.

d. If the district cannot demonstrate cost savings directly attributable to the shared operational function ~~and~~ or increased student opportunities, the district will not be eligible for supplementary weighting for operational function sharing for that fiscal year.

ITEM 11. Amend **281—Chapter 97**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 257.6, section 257.11 as amended by 2007 Iowa Acts, Senate File 447 and Senate File 588, section 20, and section 257.12, Iowa Code chapter 261E, and 2007 Iowa Acts, Senate File 588, section 20.